

## **REMARKS**

### **A. Amendments to the Specification**

The specification has been amended to capitalize the tradenames for SUPERALDEHYDE®, CODELINK®, ARRAYWORX®, AFFYMETRIX®, and TWEEN 20. Accordingly, no new matter has been introduced by way of these amendments to the specification.

### **B. Amendments to the Claims**

Claims 1, 2, 7, 8, 10, 13, 14, 27-30, 32, and 35 have been amended while claims 5, 12, 15-26, 158, and 164-167 have been cancelled. In addition, new claims 168-172 have been added. In the response dated May 24, 2007, claims 9, 11, 14-17, 19-22, and 163 were withdrawn while claims 38-157 and 159-162 were cancelled. Thus, claims 1-4, 6-8, 10, 13, 27-37, and 168-172 are pending in this application.

The amendments to the claims are as follows. Claim 1 has been amended to cover a method for identifying antibiotic resistant bacteria from total unamplified bacterial genomic DNA in a sample, the method comprising the steps of (a) to (d) as recited in amended claim 1. Further, dependent claims 2, 7, 8, 10, and 35 have been amended to reference the *mecA* gene sequence or fragment thereof of claim 1, while claims 13, 27-30, and 32 have been amended to depend on claim 1. Support for the amendments to claims 1, 2, 7, 8, 10, 13, 27-30, 32, and 35 can be found throughout the specification, particularly in Example 4. Further, claim 14 has been amended to incorporate the subject matter of cancelled claims 15-22.

Moreover, new claims 168 depends from claim 1 and is directed to a method wherein the substrate further comprises one or more capture oligonucleotides having sequences that are complementary to a *Tuf* gene, 16S rRNA gene, or fragments thereof. New claims 169 is directed to the method of claim 168 used to distinguish between two or more species of a common genus. New claims 170-172 are directed to the method of new claim 169 wherein the species differ by two or more non-consecutive nucleotides; differ by two or more consecutive nucleotides, or differ by at least one nucleotide. Support for new claims 168-172 can be found throughout the specification, particularly in Example 7, as well as in original claims 165-167.

### **C. Claim rejections under 35 U.S.C. § 112, first paragraph**

The Office Action rejected claims 1-8, 10, 12, 13, 18, 23-37, 158, 164-167 for allegedly failing to comply with the enablement requirement. The Office Action, however, asserted that

the present specification provided guidance in seven working examples, namely, Examples 1 to 7. Applicants have amended claims 1, 2, 7, 8, 10, 13, 27-30, 32, and 35 to claim the subject matter of Examples 4. In addition, claims 5, 12, 18, 23-26, 158, and 164-167 have been cancelled. In light of the present amendments, the § 112, first paragraph rejection of claims 1-8, 10, 12, 13, 18, 23-37, 158, and 164-167 is moot.

**D. Claim rejections under 35 U.S.C. § 112, second paragraph**

The Office Action rejected claims 1-9, 10, 12, 13, 23-37, 158, 164-167 for allegedly failing to particularly point out the subject matter the Applicant regards as the invention. Applicants have amended claims 1, 2, 7, 8, 10, 13, 14, 27-30, 32, and 35 to claim the subject matter of Examples 4. In addition, claims 5, 12, 23-26, 158, and 164-167 have been cancelled. In light of the present amendments, the § 112, second paragraph rejection of claims 1-9, 10, 12, 13, 23-37, 158, and 164-167 is moot.

**E. Conclusion**

In view of the above discussion and amendments, the Applicants respectfully submit that the claims are in allowable condition. A Notice of Allowance is respectfully requested.

Reconsideration of this application is respectfully requested and a favorable determination is earnestly solicited. The Examiner is invited to contact the Applicants' undersigned representative at (312) 913-2126 if the Examiner believes that this would be helpful in expediting prosecution of this application.

Respectfully submitted,

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